

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/771,284
Filing Date	02/05/2004
First Named Inventor	Richard Assaker
Art Unit	3731
Confirmation No.	3238
Examiner Name	Eduardo Robert
Attorney Docket Number	64118.000046

Sheet

1

of

1

**U.S. PATENT DOCUMENTS**

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

**FOREIGN PATENT DOCUMENTS**

*Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
JCC		WO	94/17744	08-18-1994	Lowery et al.			

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION
JCC		Denis J. DiAngelo et al., "Cervical Plating Systems Reverse Load Transfer Through Multi-Level Strut-Grafts," North American Congress on Biomechanics, University of Waterloo, Waterloo, Ontario, Canada, 3 pages (August 14-18, 1998).	
		510(k) Summary of Safety and Effectiveness in Accordance with SMDA of 1990 Aesculap ABC Cervical Plating System, U.S. Food and Drug Administration, 6 pages, Submitted December 15, 1997.	
		Peak Fixation System, Polyaxial Cervical Plate, 20 pages, © 1998 DePuy Motech, Inc.	
		Kevin T. Foley et al., Abstract of "Anterior Cervical Plating Reverses Load Transfer Through Multi-Level Strut-Grafts," Congress of Neurological Surgeons, Seattle Washington 1998.	
		Kevin T. Foley et al., Abstract of "Anterior Cervical Plating Does Not Prevent Strut Graft Displacement in Multilevel Cervical Corpectomy," Congress of Neurological Surgeons, AANS 1997 Denver.	
JCC		Christopher G. Paramore et al., "Radiographic and Clinical Follow-Up Review of Caspar Plates in 49 Patients," 84 J. Neurosurg. 957-961 (1996).	

EXAMINER SIGNATURE

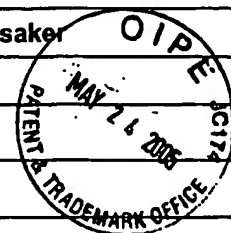
DATE CONSIDERED

06/29/06

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Application Number</b>	10/771,284
				<b>Filing Date</b>	02/05/2004
				<b>First Named Inventor</b>	Richard Assaker
				<b>Art Unit</b>	3731
				<b>Confirmation No.</b>	3238
				<b>Examiner Name</b>	Unknown
<b>Sheet</b>	1	of	1	<b>Attorney Docket Number</b>	64118.000046



**U.S. PATENT DOCUMENTS**

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

**FOREIGN PATENT DOCUMENTS**

*Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
JLC		Order on (1) Cross-Motions for Partial Summary Judgment re: Invalidity of the '602 Patent; (2) Plaintiff's Motion for Partial Summary Judgment re: Infringement of the '602 Patent, Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc., et al., Case No. SA CV 03-110-GLT (ANx) (C.D. Cal. filed February 4, 2003).		
JLC		Order on (1) Cross-Motions for Partial Summary Judgment re: Infringement of the '786 Patent; (2) Cross-Motions for Partial Summary Judgment re: Invalidity and Unenforceability of the '786 Patent, Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc., et al., Case No. SA CV 03-110-GLT (ANx) (C.D. Cal. filed February 4, 2003).		

EXAMINER SIGNATURE

DATE CONSIDERED

06/20/06

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

JAN 06 2005  
U.S. PATENT AND TRADEMARK OFFICE

Sheet 1 of 1

of

1

Application Number	10771,284
Filing Date	02/05/04
First Named Inventor	Richard ASSAKER
Art Unit	Unknown
Confirmation No.	3238
Examiner Name	Unknown
Attorney Docket Number	64118.000046

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
JLC	1	2002/0120273	08-29-2002	Needham et al.	
	2	2004/0158246	08-12-2004	Assaker et al.	
	3	5,486,176	01-23-1996	Hildebrand et al.	
JLC	4	6,306,136	10-23-2001	Bacelli	

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
JLC	5	WO	95/25474	09-28-1995	Biedermann et al.			
	6	WO	98/52482	11-26-1998	Schlapfer			
	7	WO	99/56653	11-11-1999	Assaker et al.			
	8	WO	01/26566	04-19-2001	Needham et al.			
V	9	FR	2,740,321	10-27-1995	Fuentes		X	
JLC	10	FR	1,505,513	12-15-1967	Benoist		X	

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION
JLC	11	Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.	

EXAMINER SIGNATURE

*James C. Lindberg*

DATE CONSIDERED

06/29/06

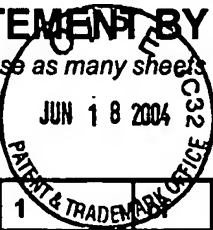
\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)



Application Number	10/771,284
Filing Date	02/05/04
First Named Inventor	Richard ASSAKER
Art Unit	Unknown
Confirmation No.	3238
Examiner Name	Unknown
Attorney Docket Number	64118.000046

Sheet

1

1

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
PLC	1	4,957,496	09-18-1990	Schmidt	
	2	5,129,899	07-14-1992	Small et al.	
	3	5,486,176	10-23-2001	Bacelli	
	4	5,797,911	08-25-1998	Sherman et al.	
	5	6,248,105	06-19-2001	Schlapfer et al.	
PLC	6	6,306,136	01-23-1996	Hildebrand et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
PLC	7	DE	19720782	11-19-1998	Schlapfer			
PLC	8	WO	98/52482	11-26-1998	Lusuardi			

## OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION
PLC	7	"Premier™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.	
PLC	8	"Zephir™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.	

EXAMINER SIGNATURE

*James C. Hildebrand*

DATE CONSIDERED

06/20/06

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

MAY 21 2004

Sheet

1

of

6

Application Number

10/771,284

Filing Date

02/05/04

First Named Inventor

Richard ASSAKER

Art Unit

Unknown

Confirmation No.

Unknown

Examiner Name

Unknown

Attorney Docket Number

64118.000046

## U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
PLC	1	RE28,841	06/1976	Allgower et al.	
	2	2,443,363	06-15-1948	Townsend et al.	
	3	3,386,437	06/1968	Treace	
	4	3,659,595	05-02-1972	Haboush	
	5	3,741,205	06/1973	Markolf et al.	
	6	3,779,240	12/1973	Kondo	
	7	3,842,825	10-22-1974	Wagner	
	8	4,102,339	07-1978	Weber et al.	
	9	4,119,092	10-1978	Gil	
	10	4,408,601	10-1983	Wenk	
	11	4,484,570	11-1984	Sutter et al.	
	12	4,488,543	12-1984	Tornier	
	13	4,493,317	01-1985	Klaue	
	14	4,503,848	09-1985	Caspar et al.	
	15	4,513,744	04-1985	Klaue	
	16	4,570,624	02-1986	Wu	
	17	4,794,918	01-03-1989	Wolter	
	18	4,907,577	03-1990	Wu	
	19	4,911,153	03-1990	Border	
	20	4,957,497	09-1990	Hoogland et al.	
	21	4,959,065	09-1990	Arnett et al.	
	22	5,041,113	08-1991	Biedermann et al.	
	23	5,041,116	08-1991	Wilson	
	24	5,057,111	10-1991	Park	
	25	5,108,395	04-1992	Laurain	
	26	5,127,912	07-1992	Ray et al.	
PLC	27	5,127,914	07-1992	Calderale et al.	
	28	5,147,361	09-1992	Ojima et al.	



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Application Number	10/771,284
Filing Date	02/05/04
First Named Inventor	Richard ASSAKER
Art Unit	Unknown
Confirmation No.	Unknown
Examiner Name	Unknown

Sheet	2	of	6	Attorney Docket Number	64118.000046
-------	---	----	---	------------------------	--------------

**U.S. PATENT DOCUMENTS**

MC	29	5,180,381	01-1993	Aust et al.	
	30	5,261,910	11-1993	Warden et al.	
	31	5,300,073	04-1994	Ray et al.	
	32	5,324,290	06-1994	Zdeblick et al.	
	33	5,364,399	11-1994	Lowery et al.	
	34	5,380,328	01-1995	Morgan	
	35	5,397,363	03-14-1995	Gelbard	
	36	5,423,826	06-13-1995	Coates et al.	
	37	5,484,439	01-16-1996	Olson et al.	
	38	5,487,743	01-30-1996	Laurain et al.	
	39	5,492,442	02-1996	Lasner	
	40	5,545,166	08-1996	Howland	
	41	5,549,612	08-1996	Yapp et al.	
	42	5,558,674	09-1996	Heggeness et al.	
	43	5,578,034	11-1996	Estes	
	44	5,601,553	02-1997	Trebing et al.	
	45	5,607,426	03-1997	Ralph et al.	
	46	5,616,142	01-01-1997	Yuan et al.	
	47	5,616,144	04-1997	Yapp et al.	
	48	5,620,443	04-1997	Gertzbein et al.	
	49	5,676,666	10-1997	Oxland et al.	
	50	5,681,311	10-1997	Foley et al.	
	51	5,735,850	04-07-1998	Baumgartner et al.	
	52	5,766,254	06-16-1998	Gelbard	
	53	5,800,433	09-1998	Benzel et al.	
	54	5,824,088	10-20-1998	Kirsch	
	55	5,827,286	10-27-1998	Incavo et al.	
	56	5,851,207	12-1998	Cesarone	
✓	57	5,876,402	03-02-1999	Errico et al.	
MC	58	5,904,683	05-18-1999	Pohndorf et al.	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Application Number	10/771,284
Filing Date	02/05/04
First Named Inventor	Richard ASSAKER
Art Unit	Unknown
Confirmation No.	Unknown
Examiner Name	Unknown

Sheet	3	of	6	Attorney Docket Number	64118.000046
-------	---	----	---	------------------------	--------------

**U.S. PATENT DOCUMENTS**

59	5,951,558	09-1999	Fiz	
60	5,954,722	09-21-1999	Bono	
61	5,957,927	09-1999	Magee et al.	
62	5,964,761	10-12-1999	Kambin	
63	5,973,223	10-26-1999	Tellman et al.	
64	5,984,925	11-16-1999	Apgar	
65	6,017,345	01-2000	Richelsoph	
66	6,129,730	10-2000	Bono et al.	
67	6,136,002	10-24-2000	Shih et al.	
68	6,139,550	10-2000	Michelson	
69	6,152,927	11-28-2000	Farris et al.	
70	6,193,721	02-2001	Michelson	
71	6,224,602	05-2001	Hayes	
72	6,235,034	05-2001	Bray	
73	6,258,089	07-10-2001	Campbell et al.	
74	6,533,786 B1	03-18-2003	Needham et al.	
75	6,602,256	08-05-2003	Hayes	
76	6,652,525	11-25-2003	Assaker et al.	
77	10/134,463		Needham et al.	
78	10/693,604		Assaker et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
79	CH	373516	01-15-1964	Muller				
80	CH	462375	10-31-1968	Allgower et al.				
81	CH	468824	04-15-1969	Muller				
82	CH	566767	09-30-1975	Spiessl et al.				
83	CH	600862	06-30-1978	Weber				

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Application Number	10/771,284
Filing Date	02/05/04
First Named Inventor	Richard ASSAKER
Art Unit	Unknown
Confirmation No.	Unknown
Examiner Name	Unknown
Attorney Docket Number	64118.000046

Sheet

4

of

6

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
✓	84	CH	611147	05-31-1979	Erfinder			
	85	CH	613616	10-15-1979	Jose-Luis Gil			
	86	CH	613858	10-31-1979	Steinemann			
	87	DE	4409833 A1	10-05-1995	Biedermann et al.			
	88	DT	2340880	08-1973	Niederdelmann, et al.			
	89	EP	0016338 A1	10-01-1980	Brinckmann			
	90	EP	0382256 A1	08-16-1990	Calderale			
	91	EP	0455255 A1	11-06-1991	Ramotowski et al.			
	92	EP	0599640 A1	06-01-1994	Yapp et al.			
	93	EP	0705572 A2	04-10-1996	Trebing et al.			
	94	EP	0897697 A1	02-24-1999	Richelsoph			
	95	FR	1505513	02-21-1968	Benoist			
	96	FR	2233973	06-25-1973	Chatin			
	97	FR	2480106	04-13-1981	Wenk			
	98	FR	2740321	10-27-1995	Fuentes			
	99	FR	2778088	04-30-1998	Assaker et al.			
	100	GB	780,652	08-07-1957	Evans			
	101	UK	1153090	05-21-1969				
	102	UK	1601383	10-28-1981				
	103	WO	98/34553	08-13-1998	Michelson			
✓	104	WO	98/34556	08-13-1998	Michelson			
✓	105	WO	99/04718	02-04-1999	Baccelli			



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number		10/771,284	
				Filing Date		02/05/04	
				First Named Inventor		Richard ASSAKER	
				Art Unit		Unknown	
				Confirmation No.		Unknown	
				Examiner Name		Unknown	
Sheet	5	of	6	Attorney Docket Number		64118.000046	

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
JLC	106	Cross Medical Products, Inc.'s Reply and Counterclaims to Medtronic's Counterclaims (11/13/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).		
	107	Medtronic's Reply and Counterclaim (12/3/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).		
	108	Blackstone Anterior Cervical Plate Brochure; Blackstone Medical Inc.		
	109	Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.		
	110	Casper, "Anterior Cervical Fusion Instrumentation and Trapezial Osteosynthetic Plates," Aesculap; Publication date unknown.		
	111	Codman, "Codman Anterior Cervical Plate System," Publication date unknown.		
	112	Spine Tech, "Cervi-Lok Cervical Fixation System Surgical Technique Manual," Publication date unknown.		
	113	Satomi, Keichi, DDS et al., "Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants," <i>The Journal of Prosthetic Dentistry</i> , March 1988 59(3):339-342.		
	114	Phillips, John H. et al., "Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws," <i>Plastic and Reconstructive Surgery</i> , March 1989 83(3):447-456.		
	115	An, Howard S et al., "Spinal Instrumentation," <i>Williams &amp; Williams</i> , 1992, pp. 1-11, 49-60, 167-196, 257-280, 379-411.		
V	116	Scient'x, "Cervical Plate-Cage Systems," Publication date unknown.		
JLC	117	Synthes, "Cervical Spine Locking Plate System," 1995.		

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number		10/771,284	
				Filing Date		02/05/04	
				First Named Inventor		Richard ASSAKER	
				Art Unit		Unknown	
				Confirmation No.		Unknown	
				Examiner Name		Unknown	
Sheet	6	of	6	Attorney Docket Number		64118.000046	

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

fll	118	Smith & Nephew Orthopaedics, "The Aline Anterior Cervical Plate," Publication date unknown.		
	119	AcroMed, "AcroPlate Anterior Cervical System," 1994.		
	120	Author unknown, "Dynamic Compression Plates," pp. 70-79, Publication date unknown.		
	121	Bagby, George W. et al., "An Impacting Bone Plate," from Staff Meetings of the Mayo Clinic, February 6, 1957, 32(3):55-57.		
	122	Bagby, George W. et al., "The Effect of Compression on the Rate of Fracture Healing Using a Special Plate," American Journal of Surgery, May 1958, 95:761-771.		
	123	Bertolin, "The Use of My Compression Plate for Osteosyntheses of the Various Types of Femoral Intertrochanteric Osteotomies," Translation from Italian of a paper presented at the Congress of the Society of Orthopaedics and Traumatology of the Medical Union of the Latin Mediterranean, June 6-7, 1965.		
v				
fll				

EXAMINER SIGNATURE

*James C. Caraballo*

DATE CONSIDERED

*06/20/06*

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.